

TITLE 5: HIGHWAYS, TRAFFIC

DIVISION 3: MISCELLANEOUS REGULATIONS

Chapter 11: CITATION OF VEHICLES PARKED WITHOUT PERMISSION OF OWNER OF PRIVATE REAL PROPERTY FOR PURPOSES OF SALE OF VEHICLE

Sections:

- 53.1101 Prohibition Against Parking Vehicles for Sale on Private Real Property without Permission of Owner of the Private Real Property.
- 53.1102 Administration.
- 53.1103 Penalties.

53.1101 Prohibition Against Parking Vehicles for Sale on Private Real Property without Permission of Owner of the Private Real Property.

(a) Except as provided for in subsections (b) or (c) of this section, no person shall park, stop, place or leave standing any vehicle or cause any vehicle to be parked or placed upon any portion of any parcel of private real property which is adjacent to any public street or highway located within the unincorporated area of the County for the purpose of selling, displaying for sale or offering for sale any such vehicle. The terms "private real property" as used in this Chapter shall include any real property interest owned by a private person, including private streets, private roadways, a private easement on publicly owned real property, or a private title to real property encumbered by a publicly owned easement.

(b) Subject to the limitations of subsection (d), subsection (a) shall not prohibit any person from selling, displaying for sale or offering for sale three (3) or fewer vehicles at the same time on any single parcel of private real property, provided the person owns or legally occupies the property or has written permission of the property owner, authorized agent of the property owner or the person in lawful possession of such private real property. Such written permission shall be displayed in or on the vehicle(s) in such a manner as to be clearly visible, and upon request by a peace officer or code enforcement officer employed by the Department of Land Use Services, such written permission shall be made available for further inspection.

(c) Subsection (a) shall not prohibit a person from parking a vehicle upon a public street or highway in a legal parking space for the time period allowed by other laws or ordinances.

(d) Neither subsection (b) nor (c) shall exempt a person from compliance with laws relating to public nuisance, County of San Bernardino Development Code [Title 8], other ordinances regarding land use districts, the sale of vehicles on private real property, or hawking.

(e) The parking or placing of any vehicle on private real property with a sign or other advertising device thereon or proximate thereto, indicating such vehicle is for sale shall constitute prima facie evidence that such vehicle was parked or placed for the purpose of selling, displaying, or offering the vehicle for sale.

53.1102 Administration.

The provisions of this Chapter may be administered and enforced by the Director of the Land Use Services Department and his or her employees or designees. In order to implement the program as set forth in this Chapter, the Director of the Land Use Services Department shall prepare procedures consistent with California Vehicle Code section 40215 for issuance of citations, review of citations, administrative appeals and for reporting to the appropriate state agencies in order to enforce the citations consistent with State law for approval of the County Administrative Officer.

53.1103 Penalties.

Violation of any provisions of Section 53.1101 is an infraction, with violations of subsection (a) thereof punishable by a penalty in the following amounts: a penalty of one hundred dollars (\$100) for a first violation; a penalty not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; a penalty not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year. Each calendar day that a vehicle is parked upon such property shall be considered a violation, and the parking of a vehicle shall be considered a separate violation even if multiple vehicles owned by the same person are parked on the same parcel on the same day.

Adopted Ordinance #3858 (2002);